

**REMARKS**

This Response is submitted in reply to the Office Action mailed on October 1, 2003. Following receipt of the October 1, 2003 Office Action, Applicants' counsel telephoned Examiner to discuss that the Office Action does not address Applicants' claims as filed and amended in Applicants' corresponding PCT Application No. PCT/US00/25282 from which the present U.S. National Application was filed under 35 U.S.C. §371.<sup>1</sup>

Following several telephone conversations with Examiner to resolve this matter, Examiner faxed to Applicants' counsel on December 17, 2003 the claims of record in the present application which were the subject of the October 1, 2003 Office Action. Applicants' counsel informed Examiner that the faxed claims do not belong in the present application and are apparently from a third party application.

On January 9 and 20, 2004, Applicants' counsel faxed to Examiner a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371, a copy of the International Publication Number WO 01/22783 A2 and a copy of the International Preliminary Examination Report as evidence that the examined claims in the present application

---

<sup>1</sup>Claim 12 was amended in Applicants' Amendment and Response to First Written Opinion Under PCT Rule 66.3 mailed on April 19, 2002 in corresponding PCT Application No. PCT/US00/25282. A copy of the annex showing this amendment to claim 12 is provided in the International Preliminary Examination Report. Claim 12 is presented herein as amended.

do not correspond to Applicants' corresponding PCT Application No.

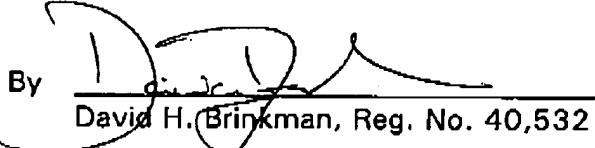
PCT/US00/25282 filed September 15, 2000 from which the present application was filed under 35 U.S.C. § 371.

In view of the above facts, Applicants respectfully traverse all rejections in the present Office Action as not being applicable to Applicants' claimed invention. Applicants respectfully request that the rejections be withdrawn and a new Office Action or Notice of Allowability be issued on Applicants' original claims as presented herein.

Please charge Deposit Account No. 23-3000 in the amount of \$110.00 for the one month extension fee as set forth in 37 C.F.R. § 1.136(a). Should any additional fees be required, authorization is hereby given to charge such fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By   
\_\_\_\_\_  
David H. Brinkman, Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile